D.B. CIVIL SPECIAL APPEAL(W)NO.513/2007

G.C. Mandal
Vs.
Union of India & Ors.

Date of Order :: 23-04-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Rameshwar Sharma, for the appellant.

The dispute in this special appeal arising from the order of the learned Single Judge in S.B. Civil Writ Petition No.1916/2007 relates to transfer and posting.

The case of the appellant is that on promotion to the rank of Subedar Major, he is entitled to remain on the post for a period of four years as per para 1452 in the manual (annexure-3) or three years as per the Posting Policy (BOI No.11/2002) (annexure-7). The appellant belongs to Extra Regimental Employment (ERE). There is nothing in annexure-3 or anneuxre-7 to suggest that the instructions contained therein are applicable to persons belonging to ERE. Service conditions of the members of ERE in the matter of transfer/posting, among other things, are governed by Army Order (AO 25/2001/MP), contained in annexure-4, in terms of which the normal tenure of the JCOs, NCOs and other ranks employed in ERE is 2 to 3 years within and outside the Regular Army

unless otherwise specified. The appellant had completed two years of service. In that view of the matter, we find no error in the impugned order of the learned Single Judge dismissing the writ petition.

The appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen